THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.27291 OF 2007

Date: 24.12.2007

Between:

Syed Shah Abdul Razzack

. . .Petitioner

AND

The Secretary, Regional Transport Authority,
Secunderabad and another

. . .Respondents

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.27291 OF 2007

ORDER:

This writ petition is filed for a writ of mandamus to declare seizure of motor vehicle bearing registration No.AP10 N 7999 under Vehicle Check Report No.0018857, dated 22.10.2007 as illegal, arbitrary and violative of Article 19(1)(g) of the Constitution of India.

On 20.12.2007, this Court adjourned the case to enable the learned Assistant Government Pleader for Transport to get instructions, but no instructions have been reported by him at the hearing of the case today. Since the vehicle has been under seizure since 22.10.2007, I deem it appropriate to dispose of the writ petition.

A perusal of the Vehicle Check Report, under which, the petitioner's vehicle was seized shows that the petitioner has changed the type of fuel from petrol to diesel without prior authorization to alter the engine/type of fuel. The other two grounds of seizure are that the registration mark backside is not as per Motor Vehicles Rules and that no driving license was produced.

Without going into the merits of the grounds of seizure, I deem it appropriate to dispose of the writ petition, because if the petitioner had violated the provisions of the Motor Vehicles Act, 1988 or the Rules made there under, the respondents are free to initiate appropriate action against him according to law. I am of the view that even before the respondents initiate such proceedings, if the vehicle is detained, that would cause irreparable injury to the petitioner's interest apart from causing deterioration in the condition of the vehicle. Therefore,

the writ petition is disposed of with the direction to respondent No.1 to release the vehicle to the petitioner subject to the following conditions.

(1) The petitioner shall produce the driving license.

(2) The petitioner shall file an undertaking before respondent No.1 that

a) the registration mark will be changed within a period of three days from the date of release of the vehicle in conformity with the Motor Vehicles Rules, and

b) he will not alienate or in any manner alter the nature of the vehicle without the permission of respondent No.1, and

(3) The petitioner shall produce the vehicle as and when it is required by the respondents for the purpose of disposal of the proceedings, if any to be initiated by respondent No.1.

C.V.NAGARJUNA REDDY, J

24th DECEMBER, 2007

Note: furnish c.c. in three (3) days.

B/o

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